

MINUTES – OCTOBER 8, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 8th day of October, 2002, the Commissioners' Court convened the regular Voting Session at 9:16 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners' Court recessed the Voting Session at 11:44 AM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) called to order the Voting Session at 1:44 PM and adjourned the Voting Session at 1:44 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 1:44 PM and adjourned at 1:49 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation retired to Executive Session at 1:49 PM and reconvened at 2:10 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation adjourned at 2:11 PM.

The Commissioners' Court reconvened the regular Voting Session at 2:11 PM.

The Commissioners' Court retired to Executive Session at 2:15 PM.

The Commissioners' Court reconvened the regular Voting Session at 4:10 PM.

The Commissioners' Court adjourned at the Voting Session at 4:13 PM.

CONSENT ITEMS CONTINUED

- C6.** APPROVE SETTING A PUBLIC HEARING DATE OF NOVEMBER 5, 2002 TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF LOTS 4 AND 5 RIVERCLIFF SECTION TWO, PHASE A - (RESUBDIVISION - 2 LOTS – 12.515 ACRES – RIVERCLIFF DRIVE – NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC SERVICE - NO ETJ.) (COMMISSIONER MOORE)
- C7.** APPROVE SETTING A PUBLIC HEARING DATE OF NOVEMBER 5, 2002 TO DISCUSS AND APPROVE THE PARTIAL CANCELLATION OF LOTS 25-30, BLOCK FF, LOTS 1 – 15, BLOCK GG, LOT 15 BLOCK H AND A PORTION OF OOLONG LANE AND SPEARMINT TEA TRAIL R-O-W FROM THE GASTON-SHELDON SUBDIVISION, SECTION TWO AND APPROVAL OF A PLAT FOR RECORDING IN PRECINCT ONE: GASTON-SHELDON SUBDIVISION SECTION TWO-A, REPLAT OF LOTS 25-30, BLOCK FF, LOTS 1 – 15, BLOCK GG AND LOT 15 BLOCK H OF GASTON-SHELDON SUBDIVISION SECTION TWO - (LONG FORM PLAT - 20 LOTS – 4.666 ACRES – OOLONG LANE – FISCAL POSTED WITH CITY OF AUSTIN – SEWAGE SERVICE TO BE PROVIDED BY NORTHTOWN MUNICIPAL UTILITY DISTRICT - CITY OF AUSTIN ETJ.) (COMMISSIONER DAVIS)

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

6. A. CONSIDER A RESOLUTION SUPPORTING THE CREATION OF AN INTERMUNICIPAL COMMUTER RAIL DISTRICT UNDER ART. 6550c-1, V.T.C.S., AND TAKE APPROPRIATE ACTION. (COMMISSIONER MOORE) (9:48 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Mike Aulick, Executive Director, Capital Metropolitan Planning Organization (CAMPO); and Tom Nuckols, Assistant County Attorney.

Motion by Commissioner Moore **and seconded by** Commissioner Sonleitner to approve the resolution with the revised language and the Court's support of the creation of the district.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk's Note: Commissioner Davis requested that the Court's record reflect his reasons for his "no" vote on Item 6.A. He stated that, "We need to do our due diligence before we move forward. It is not that I don't support commuter rail – I do. I think we can move persons a lot better through this community using commuter rail, however, if you create a Commuter Rail District, that means that they will have the authority to deal with the freight rail phase of this, which would be a hardship to the community in Precinct 1, especially with those safety issues, of overspillage and train derailing. Without that information, it is hard for me to take the first step. I think public hearings would be necessary before we take any step."

- B. CONSIDER APPOINTMENT OF MEMBER(S) TO THE INTERMUNICIPAL RAIL DISTRICT BOARD, AND TAKE APPROPRIATE ACTION. (COMMISSIONER MOORE) (10:58 AM)

Discussion Only. No action was taken.

Item 6.B to be reposted on October 15, 2002.

7. CONSIDER VARIOUS ISSUES RELATED TO THE FORMATION AND OPERATION OF THE PROPOSED CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY, INCLUDING ANY NECESSARY LEGAL ADVICE, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS AND COMMISSIONER MOORE) (11:07 AM)

Members of the Court heard from: Tom Nuckols, Assistant County Attorney.

Clerk's Note: Commissioner Davis directed Transportation and Natural Resources (TNR) Staff to investigate and answer the questions that were listed in the memo provided by Commissioner Davis in the backup documents.

Discussion Only. No action was taken.

8. CONSIDER INVOICE FOR CONSULTANT SERVICES RELATING TO THE FORMATION OF A REGIONAL MOBILITY AUTHORITY, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (2:15 PM) (4:10 PM)

Clerk's Note: Judge Biscoe announced that Item 8 would be considered in Executive Session pursuant to Govt. Code Ann. 551.071, Consultation with Attorney.

No action necessary on Item 8.

Item 8 to be reposted on October 15, 2002.

9. APPROVE AN AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF AUSTIN FOR TRAVIS COUNTY'S PARTICIPATION IN THE CITY OF AUSTIN'S REGIONAL STORMWATER MANAGEMENT PROGRAM FOR THE ANDERSON MILL ROAD AND DRAINAGE IMPROVEMENT PROJECT UNDER THE 2001 TRAVIS COUNTY BOND PROGRAM. (COMMISSIONER MOORE) (9:45 AM)

Clerk's Note: Item 9 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

10. APPROVE ALTERNATE FISCAL AGREEMENT FOR BARTON CREEK ABC WEST PHASE 2, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER MOORE) (9:45 AM)

Clerk's Note: Item 10 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

11. APPROVE AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE DRAINAGE EASEMENT ACROSS LOT 18 AND LOT 19, BLOCK A, ROLLING MEADOWS SECTION ONE, A SUBDIVISION IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:45 AM)

Clerk's Note: Item 11 is the action item for the public hearing on Agenda Item 1.

Clerk's Note: Item 11 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

HEALTH AND HUMAN SERVICES DEPARTMENT

12.
 - A. DISCUSS NON-RENEWAL OF THE CITY OF AUSTIN WEATHERIZATION CONTRACT FOR FY '03, AND TAKE APPROPRIATE ACTION. (9:16 AM)
 - B. CONSIDER REDUCTION IN FORCE IN HEALTH AND HUMAN SERVICES DEPARTMENT HOUSING SERVICES, AND TAKE APPROPRIATE ACTION.

Items 12.A and B pulled from the Agenda.

PLANNING AND BUDGET DEPT. ITEMS

- 13. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:
 - A. APPROVE GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A JUVENILE BATTERER’S INTERVENTION & PREVENTION PROGRAM IN JUVENILE PROBATION DEPARTMENT. A NEW 5-YEAR GRANT PROGRAM WITH AN INCREASING COUNTY MATCH REQUIREMENT IN YEARS 3 THROUGH 5. (9:45 AM)

Clerk’s Note: Item 13.A added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

- B. APPROVE GRANT CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL FOR THE ACCESS AND VISITATION GRANT PROGRAM IN JUVENILE PROBATION DEPARTMENT. THE GRANT CONTINUES THE PROGRAM FOR FY’ 03. (9:45 AM)

Clerk’s Note: Item 13.B added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

- C. APPROVE GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A PROTECTIVE ORDER GUARDIAN AD LITEM IN JUVENILE PROBATION DEPARTMENT. A NEW 5-YEAR GRANT PROGRAM TO PROVIDE ADDITIONAL PROTECTIVE ORDER STAFF. THE GRANT HAS AN INCREASING COUNTY MATCH REQUIREMENT IN YEARS 3 THROUGH 5. (2:11 PM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 13.C.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

ITEM 13 CONTINUED

D. APPROVE GRANT CONTRACT WITH AUSTIN/TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER FOR COORDINATION SERVICES IN JUVENILE PROBATION. THIS PROGRAM PROVIDES ONE STAFF POSITION TO COORDINATE SERVICES BETWEEN MHMR AND JUVENILE PROBATION. (9:45 AM)

Clerk's Note: Item 13.D added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

E. APPROVE PERMISSION TO CONTINUE THE DRUG COURT PROGRAM IN THE CRIMINAL COURTS THROUGH NOVEMBER 30, 2002 PENDING RECEIPT OF THE FY'03 CONTRACT. (9:45 AM)

Clerk's Note: Item 13.E added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

14. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (2:12 PM)

Members of the Court heard from: Alan Miller, Budget Analyst, Planning and Budget Office (PBO); and Leroy Nellis, Budget Manager, PBO.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to request that the Court receive a status report on April 1, 2003 from the Tax Assessor Collector's Office on the Court Fines and Fees Pilot Program; that on the budget amendments A1-A4, the activity code should be 546 instead of 544; and to approve the budget amendments and transfers A1-A11 and T1-T7.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

ADMINISTRATIVE OPERATIONS ITEMS

15. **A.** REVIEW AND APPROVE TUITION REFUNDS FOR EMPLOYEES WHO HAVE COMPLETED CLASSES IN ACCORDANCE WITH TUITION REIMBURSEMENT POLICY §10.021. (9:45 AM)
- B.** APPROVE REQUISITION AND AUTHORIZE THE COUNTY AUDITOR AND TREASURER’S OFFICE TO REIMBURSE EMPLOYEES AS LISTED.

Clerk’s Note: Items 15.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

16. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR TRAVIS COUNTY EMPLOYEES AND DEPENDENTS COVERED BY THE HOSPITAL AND INSURANCE FUND FOR PAYMENT OF \$438,315.50 FOR THE PERIOD OF SEPTEMBER 20, 2002 THROUGH SEPTEMBER 26, 2002. (9:45 AM)

Clerk’s Note: Item 16 added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

17. CONSIDER RENEWAL OF INTERLOCAL COOPERATION CONTRACT AND RATIFICATION OF CONTINUED SERVICES BETWEEN TRAVIS COUNTY AND TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION (TDMHMR) ALLOWING MHMR TO UTILIZE THE COUNTY’S OFF-SITE STORAGE CONTRACT (#98T0207-LD) WITH IRON MOUNTAIN. (9:45 AM)

Clerk’s Note: Item 17 added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

18. APPROVE PERSONNEL AMENDMENTS. (9:45 AM)

Clerk’s Note: Item 18 added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

OTHER ITEMS

- 19. A. APPROVE ORDER DESIGNATING MAIN EARLY VOTING POLLING PLACE AND TEMPORARY BRANCH EARLY VOTING POLLING PLACES FOR THE NOVEMBER 5, 2002 JOINT GENERAL ELECTION. (11:07 AM) (4:10 PM)

- B. APPROVE ORDER DESIGNATING NEW ELECTION DAY POLLING LOCATIONS FOR THE NOVEMBER 5, 2002 JOINT GENERAL ELECTION.

Clerk’s Note: Items 19.A and B are associated with one another and were called for concurrent discussion.

Motion by Commissioner Gómez **and seconded by** Commissioner Moore to approve Items 19.A and B.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk’s Note: The Court clarified that on Item 19.A the Court was confirming their approval, originally made on August 13, 2002, and not approving a new order.

- 20. APPOINT CENTRAL COUNTING STATION AND EARLY BALLOT BOARD PRESIDING JUDGES FOR THE NOVEMBER 5, 2002 JOINT GENERAL ELECTION. (9:45 AM)

Clerk’s Note: Item 20 added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

21. CONSIDER REDUCTION OF FEE FOR USE OF TRAVIS COUNTY EXPOSITION CENTER FOR ENVISION PROJECT ON OCTOBER 15, 2002, AND TAKE APPROPRIATE ACTION. (11:44 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations.

Motion by Commissioner Moore **and seconded by** Commissioner Davis to approve the 50% reduction in fees, in the amount of \$1,000.00.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

22. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:45 AM)

Clerk's Note: Item 22 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

THE FOLLOWING IS AN ADDENDUM:

- A1.** DISCUSS CERTAIN PERSONNEL ISSUES REGARDING STARFLIGHT STAFF, RECEIVE LEGAL ADVICE, AND TAKE APPROPRIATE ACTION. EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOVT. CODE ANN. 551.071 AND 551.074. (2:15 PM) (4:11 PM)

Clerk’s Note: Judge Biscoe announced that Item A1 would be considered in Executive Session pursuant to Govt. Code Ann. 551.071, Consultation with Attorney and 551.074, Personnel matters.

Members of the Court heard from: Eric Shepperd, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Davis that we follow Staff’s recommendation and implement Option 2 of the memo; that we communicate this option to Mr. Handley immediately, and implement it, effective tomorrow morning; that we authorize Human Resources and appropriate County personnel to conduct a top-to-bottom safety inspection of appropriate Star Flight facilities, and to report back to the Commissioners’ Court, hopefully in 60 days or less, or as close thereto as possible; and that these actions be communicated to other appropriate County personnel.

A Clarification of the previous Motion was made by Judge Biscoe to have the implementation date be tomorrow morning or as soon thereafter as practicable.

Maker and Second accept the Friendly Amendment by Commissioner Sonleitner to clarify that if there is any other procedural paperwork that may need to be adjusted, that that be appropriately handled, if there is anything that needs to be adjusted for purposes of paperwork and record keeping.

Acceptance of the Friendly Amendment was made by Judge Biscoe and Commissioner Davis.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

